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Attorneys for Defendant Express Scripts Holding Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL SMITH) Case No.: 3:16-cv-05001-VC
Plaintiff,)
vs.)
EXPRESS SCRIPTS HOLDING COMPANY,))
Defendant.) Complaint Filed: July 1, 2016
)
) **JOINT STIPULATION TO CONTINUE**
) **CASE MANAGEMENT CONFERENCE &**
) **PROPOSED ORDER**

Plaintiff MICHAEL SMITH and Defendant EXPRESS SCRIPTS HOLDING COMPANY (collectively, the “Parties”), through their respective counsel and subject to the approval of the Court, hereby STIPULATE AND AGREE that:

1. The Parties previously submitted a Joint Case Management Statement and Discovery Plan to the Court pursuant to the Court's Order.

2. Due to business travel and scheduling conflicts as well as continued discussions amongst the Parties, the Parties respectfully request the Court continue the Case Management Conference presently set for December 6, 2016 until a later date after January 13, 2017 to be determined by the Court.

3. The Parties have not requested a prior continuance of the Case Management Conference. This joint stipulation for continuance is not made for the purpose of vexation or delay, but for the sole purpose of pursuing an efficient resolution to this dispute. The requested continuance will serve the interests of justice and conserve judicial resources.

WHEREFORE, Plaintiff and Defendant respectfully request that this Court enter an Order granting a continuance of the Case Management Conference from December 6, 2016 to a date after January 13, 2017 to be determined by the Court.

Dated: December 1, 2016

/s/ David Shane
DAVID SHANE
Counsel for Plaintiff M

Dated: December 1, 2016

/s/ Barry Marsh
BARRY MARSH
SCOTT KANTER
MICHAEL NOLAN
TANYA MAERZ
Counsel for Defendant Express Scripts Holding
Company

IT IS SO ORDERED.

Dated: December 2, 2016

UNITED STATES DISTRICT JUDGE, HONORABLE
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